



U.S. Department of Justice

Andrew E. Lelling
United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100

John Joseph Moakley United States Courthouse
1 Courthouse Way
Suite 9200
Boston, Massachusetts 02210

March 3, 2020

SENT VIA E-MAIL AND FILED AT 19-CR-10080-NMG

Counsel of Record

Re: *United States v. David Sidoo, et al.*
Case No. 19-cr-10080-NMG

Dear Counsel:

We write in response to your motions filed at Dkts. 648, 681, 693, 696, 699, 801, 865 and 886. In addition, we write in response to the January 28, 2020 letter sent on behalf of defendant Wilson, the February 13, 2020 letter sent by attorneys for defendant Kimmel, the February 19, 2020 letter sent on behalf of all defendants, the February 28, 2020 letter sent on behalf of all defendants, the February 28, 2020 letter sent on behalf of defendant McGlashan regarding discovery, the February 28, 2020 email on behalf of defendant Abdelaziz, and the February 29, 2020 email on behalf of defendant Wilson.

1. Enclosed please find the following discovery materials, produced pursuant to the agreed-upon protective orders:
 - FBI 302 and IRS reports of interviews with Rick Singer (Bates SINGER-REPORTS-000001-000134);
 - FBI 302 and IRS reports of interviews with employees (including former employees) of USC (Bates USC REPORTS-000001-000083);
 - Cellbrite Extraction Reports dated October 5 and 29, 2018, November 1, 29 and 30, 2018, January 16, 2019, February 15 and 28, 2019, and March 11, 2019 of Singer's iPhone 7-Plus (telephone number xxx-xxx-8802 and IMEI 35380708168xxxx), the phone Singer used to make recorded conversations with the defendants in this case; and
 - Cellbrite Extraction Report dated November 7, 2018 of an LG phone used by Singer (phone number 949-662-xxxx and IMEI 31041007076xxxx).

2. The government intends to produce the following discovery materials on or before March 13, 2020, pursuant to the agreed-upon protective orders:

- Contents of Singer's Google Drive accounts;
- A video and related documentation regarding two cooperating witnesses;¹
- Handwritten notes created by Singer during the investigation currently in the possession, custody, or control of the government;
- A written "script" that Singer used during calls with defendants and others;
- Additional FBI 302 and IRS interview reports prepared to date;
- Agent notes associated with the FBI 302 and IRS interview reports;
- T-III telephone calls and text messages not previously produced, including a recorded call between Singer and government agents;
- A list of phones used by Singer during this investigation, dates of use and purpose of the phone, the current status of each phone, any pen register data for such phones, and Cellbrite Extraction Reports for each phone in the possession, custody, or control of the government (to the extent not previously provided);
- Quickbooks files for The Key Worldwide Foundation and The Key;
- Emails and text messages from an individual the government expects to testify at trial;²
- "Ping" data for Singer's iPhone 7-Plus (telephone number xxx-xxx-8802 and IMEI 35380708168xxxx);
- Image of Singer's laptop, seized on or about November 23, 2018;³ and,
- Proffer agreements with Singer and others.

3. Finally, as the parties are aware, the government obtained emails and documents from several defendants in this case. The government has set aside a number of e-mails that are currently being reviewed for privilege. The government will produce all additional non-privileged material, as soon as possible, from the following custodians: Rick Singer; Gordon Ernst; Donna

¹ The identities of the cooperators will be disclosed upon request.

² The identity of this potential witness will be disclosed upon request.

³ The government will also produce the relevant portion of the grand jury transcript from the operative Fourth Superseding Indictment related to Defendant McGlashan's 18 U.S.C. § 666 charge when the government receives the transcript from the court reporter.

Heinel; Martin Fox; Mark Riddell; Amy Colburn; Diane Blake; Elisabeth Kimmel; Gamal Abdelaziz; Homayoun Zadeh; Lori Loughlin; Robert Zangrillo; and, John Wilson.

The government recognizes its ongoing discovery obligations and will continue to produce additional discovery as required. If you have any questions regarding the materials enclosed, or those that are forthcoming, please contact us at your earliest convenience.

* * *

Sincerely,

ANDREW E. LELLING
United States Attorney

By: /s/ Eric S. Rosen
Eric S. Rosen
Justin D. O'Connell
Kristen A. Kearney
Leslie A. Wright
Karin M. Bell
Assistant U.S. Attorneys

cc: Defendants in 19-CR-10081-IT⁴
M. Page Kelley, United States Magistrate Judge

⁴ The government will provide the defendants in *United States v. Ernst, et al.*, No. 19-cr-10081-IT, with the same discovery as that being provided here.